

**EXHIBIT C**

January 16, 2008

The Honorable Susan Illston  
U.S. District Court, Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Martin Lee Simon, Jr.

Dear Judge Illston:

My name is Candace Charles and I am writing in support of my fiancé Martin Lee Simon, Jr. I've known Martin for 17 years now and met him while attending elementary school at Willow Oaks in Menlo Park. Of course at that age we were too young to be a couple but we became really close friends and it feels as though we fell in love at first sight. Once we began 5<sup>th</sup> grade, we lost contact for some time. Then one summer we happened to see each other at the Boys and Girls Club in Menlo Park. Martin was the same funny, out-going person I had remembered. Martin and I officially became a couple in 2001.

We had our first son Markhi Simon, in 2002. Martin was a responsible, proud parent. Days after the birth of our son, I was hospitalized for almost a week in which Martin was left to care for his first newborn son and my oldest son who was 3 years old at the time. He actually did a good job. Martin proposed to me in December of 2002. I accepted the ring but didn't feel that Martin was truly ready to settle down. Every Sunday was our family days where we would spend time together as a family. We did different things such as go to the movies, the park, amusement parks, swimming, etc. Every now and then he would let us down because he'd claim he had something else to do.

In 2005, our second son, Malakhi Simon was born. Martin was there for his birth just as he was with the first one. He was so excited to have another son that he stayed at the hospital my entire stay. Five months later, Martin was injured. That day was the scariest day of my life. Martin had just left my job because I had let him use my car to go to court that morning. Minutes later I got a call from my cousin saying that he had been shot and she didn't know if he was still alive. I could replay that day over and over again in my head. From where I was standing, I watched his stomach to see if he was breathing. When I arrived at the hospital I can remember the doctor telling us that he had already been rushed to surgery, he was alert at the time but not in his right mind, and that it didn't look good but we'd have to wait and see. For a long time I didn't bring the kids to the hospital because I didn't want them to be afraid and at times I just didn't want them to see their dad that way. Of course the baby didn't understand but at the time our oldest son was 3

and he was smarter than we thought. We just told him that daddy had a boo-boo and the only people who could make him feel better were the doctors, so he needed to stay there until he was well. Some days Markhi would cry to stay at the hospital. Once he moved to the rehabilitation center, the kids and I would go and have lunch with him. Martin had forgot that he even had children, didn't know their names or anything about them. This worried Markhi tremendously because he was really close to his dad but when he didn't talk to him the way he used to, he was confused. He knew that this person looked like his daddy, but why didn't he act like his daddy? When Martin was released from the rehabilitation center the kids would visit him at his mothers. I noticed that when he would hear an unusual noise he wouldn't say anything, but his eyes would bulge as though he was afraid. Nights that he would spend the night with the kids he would stay up most of the night. When he did fall asleep he tossed and turned. Not only was he in fear of his life but ours as well. He knew that I was afraid to be with him because a lot of times he would ask me to pick him up from his moms I would make up excuse after excuse until finally I just told him that I was afraid that someone might try to do something to him and accidentally hurt me or one of our kids. I believe that Martin was carrying a weapon not to hurt someone, but to protect himself and his family by all means necessary. Martin has been through a lot within the past 3 years and I'm not sure if it's good or bad that this situation fell the way it did, but from his conversations, I can tell that he's really changing. He wants to be a better father to his children than his dad was to him and he's capable of doing so.

Currently I'm working as a Teacher's Assistant, but last year I started taking my science prerequisites so that I can enroll into a Nursing Program and receive my RN license. So while he's away, I will continue to further my education, take care of our children, and support him the best way possible. When he comes home we plan to move to another state and start a new life, away from the street-life and all the trouble.

Best regards,



Candace Charles